



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
Tennessee Auctioneer Commission
710 JAMES ROBERTSON PARKWAY
Nashville, TN 37243-1152
(615) 741-3600

The Tennessee Auctioneer Commission held its meeting September 15, 2008 at 9:00 a.m. in Nashville, Tennessee, at the Andrew Johnson Tower, 2nd Floor Conference Room. Chairman Marvin Alexander called the meeting to order. The following business was transacted.

COMMISSION MEMBERS PRESENT

Marvin Alexander
Bobby Colson
Mary Francis Rudy
Howard Phillips

COMMISSION MEMBER ABSENT

Kenneth Dreaden

STAFF MEMBERS PRESENT

Charlie Patterson, Administrative Director
Sheila Piper, Administrative Assistant
Adrian Chick, Staff Attorney

Motion was made by Howard Phillips and seconded by Bobby Colson to adopt agenda. Motion carried. No opposition.

Minutes from the meeting of August 4, 2008, were presented to the Commission Members for approval. Motion was made by Howard Phillips and seconded by Bobby Colson to approve said minutes. Motion carried. No opposition.

The firm application of Real Estate Disposition Corporation was presented to the Commission Members for approval. Motion was made by Mary Frances Rudy and seconded by Howard Phillips to approve.
Motion carried. No opposition.

Auctioneer reapply for Michael Carr who is the principal auctioneer for Real Estate Disposition Corporation was approved. Motion made by Mary Francis Rudy and seconded by Howard Phillips to approve. Motion carried. No opposition.

Apprentice application for Alicia A. Hoffman presented due to her answering yes to Question 10 on application. Motion made by Howard Phillips and seconded by Bobby Colson to approve. Motion carried. No opposition.

Staff Attorney presented the following complaints to the Commission Members.

1. L08-AUC-RBS-2008017581 MCCARTER AUCTION

COMPLAINT: This complaint is based upon an advertisement for a "true absolute" auction. The ads says "everything sells ABSOLUTE to highest bidder", and "SOME OF THE FINE PROPERTIES TO BE SOLD TO THE HIGHEST BIDDER / NO MINIMUMS, NO RESERVES", and then lists twenty-four (24) properties.

RESPONSE: The Respondent does not believe the advertisement is misleading.

Motion was made by Bobby Colson and seconded by Howard Phillips to accept Legal's recommendation to dismiss. The facts do not constitute a violation under our statute. Motion carried. No opposition.

2. L08-AUC-RBS-2008001351 Harold Ferrell

3. L08-AUC-RBS-2008001352 Honeycutt Realty & Auction

Complaint: "A Commission Member requested that this company be investigated. He was informed of buy-bidding at this location."

Response: The firm owner stated under oath that the former auctioneer is no longer affiliated with the company and does not know his whereabouts. The investigator was unable to locate the former auctioneer.

Motion made by Mary Francis Rudy and seconded by Howard Phillips to take Legal's recommendation to dismiss. No violation of auctioneer statutes or rules. Motion carried. No opposition.

4. L07-AUC-RBS-2007056951 Charlene Ladd

Complaint: This complaint alleges that the respondent conducted an auction at a time that the license was expired. It was first presented in August of 2007 and a consent order of \$500 was authorized. After no response was received and letters were returned by the post office, Legal presented the matter again in January 2008. The Commission instructed Legal to continue efforts to obtain a response.

Response: On March 5, 2008, the Commission received a letter from Respondent explaining that the Respondent has another full time job and only conducts benefit auctions, and that no money or gifts was received for the auction in question.

Motion made by Howard Phillips and seconded by Bobby Colson to take Legal's recommendation to dismiss. Motion carried. No opposition.

5. L08-AUC-RBS-2008019141 Nashville Powersport

Mary Francis Rudy made motion and seconded by Howard Phillips to add to Notice of Hearing and Charges. Motion carried. No opposition.

6. L07-AUC-RBS-2008017361 Nashville Powersport

Mary Francis Rudy made motion and seconded by Howard Phillips to add to Notice of Hearing and Charges. Motion carried. No opposition.

Being no further business, meeting adjourned.

September 15, 2008

APPROVED:

Marvin Alexander
Chairperson

Howard Phillips
Vice-Chairperson

Kenneth Dreaden
Board Member

Bobby Colson
Board Member

Mary Francis Rudy
Board Member